

AMENDED IN ASSEMBLY MAY 2, 2012

AMENDED IN ASSEMBLY MARCH 22, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1956

**Introduced by Assembly Members Portantino and Halderman
(Coauthors: Assembly Members Alejo, Blumenfield, and Donnelly)**

February 23, 2012

An act to amend Sections 1915 and 1916 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1956, as amended, Portantino. Juvenile offenders: tattoo removal.

The Youth Authority Act provides for the detention and confinement of youthful offenders by the Division of Juvenile Facilities of the Department of Corrections and Rehabilitation. Existing law establishes a pilot program requiring the Division of Juvenile Facilities to purchase 2 medical laser devices for the removal of tattoos, as specified, from eligible participants who are at-risk youth, ex-offenders, and current or former gang members, as specified. Existing law further establishes the California Voluntary Tattoo Removal Program, which serves individuals between 14 and 24 years of age, inclusive, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth, through a competitive grant process, as specified.

This bill would expand these tattoo removal programs to serve individuals who were tattooed for identification in trafficking or prostitution and are in the custody of the Department of Corrections

and Rehabilitation or county probation departments, who are on parole or probation, or who are in a specified community-based organization. *The bill would also express the intent of the Legislature to encourage the Board of State and Community Corrections to extend current federal funding to serve individuals from 14 and 24 years of age, inclusive, who were tattooed for identification in trafficking or prostitution.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1915 of the Welfare and Institutions Code
2 is amended to read:
3 1915. (a) The Department of the Youth Authority shall
4 purchase, after a competitive bidding process, two medical devices
5 that utilize a laser to remove a tattoo from a person's skin. The
6 department shall determine, through a competitive bidding process,
7 the placement of the two medical devices pursuant to the following
8 guidelines:
9 (1) One of the medical devices shall be located within Los
10 Angeles County and the other shall be located within one of the
11 following counties: Alameda, San Francisco, San Mateo, Santa
12 Clara, and Santa Cruz.
13 (2) Possible sites may include: a licensed health facility, a
14 licensed health clinic, an educational institution, or a probation
15 office. The department may enter into an agreement with a licensed
16 health facility to permit the health facility to use the medical device
17 when it is not needed for tattoo removal pursuant to this section
18 if the health facility provides tattoo removal services pursuant to
19 this section free of charge.
20 (3) The medical devices shall remain the property of the state.
21 However, they shall be used in conjunction with the tattoo removal
22 program pursuant to this section for the functional life of the
23 medical devices.
24 (b) Candidates for tattoo removal shall be screened by
25 community groups working collaboratively with the operators of
26 the sites of the tattoo removal devices. A male candidate for tattoo
27 removal shall have a tattoo on his lower arm, hand, neck, or head.
28 A female candidate for tattoo removal shall have a tattoo that would
29 be visible in a professional work environment. To be eligible for

1 participation, the presence of the tattoo must be deemed to present
2 either a threat to the personal safety of, or an obstacle to the
3 employability of, the candidate. Priority shall be given to
4 candidates who have a job offer that is contingent upon removal
5 of the tattoo. At the discretion of the organization that screens a
6 candidate, a candidate for this tattoo removal may be required to
7 complete 20 hours of supervised public service work in order to
8 participate in this program. Parental consent shall be required
9 before the tattoo of any person under 18 years of age is removed.

10 Community groups recommended pursuant to this subdivision
11 shall meet the following criteria:

12 (1) Serve at-risk youth, ex-offenders, ex-convicts, current and
13 former gang members, or victims of trafficking and prostitution.

14 (2) Possess an established record of providing community-based
15 services for at least one year to the persons described in paragraph
16 (1).

17 (c) Community groups that participate in this program and the
18 operators of the sites of the tattoo removal devices shall solicit the
19 pro bono services of licensed health care providers to participate
20 in the program in order to increase the number of individuals
21 served.

22 (d) It is the intent of the Legislature that at least 200 tattoo
23 removals shall be performed at each tattoo removal site in its first
24 year of operation. After two years of operation, community groups
25 that participate in this program and the operators of each site shall
26 report to the Department of the Youth Authority on the number of
27 tattoo removals performed by each device and the success of the
28 program in assisting individuals to join the work force. By March
29 1, 2000, the Department of the Youth Authority shall report these
30 findings to the Legislature.

31 (e) It is the intent of the Legislature to expand these pilot
32 programs as rapidly as possible to other areas of the state where
33 there is gang violence and where there are active community-based
34 gang violence prevention programs.

35 SEC. 2. Section 1916 of the Welfare and Institutions Code is
36 amended to read:

37 1916. (a) The California Voluntary Tattoo Removal Program
38 is hereby established.

1 (b) To the extent that funds are appropriated for this purpose,
2 the California Emergency Management Agency may administer
3 the program.

4 (c) The program shall be designed to serve individuals between
5 14 and 24 years of age, who are in the custody of the Department
6 of Corrections and Rehabilitation or county probation departments,
7 who are on parole or probation, or who are in a community-based
8 organization serving at-risk youth.

9 (d) The agency shall award grants in a competitive manner and
10 on a geographically diverse basis, serving both northern and
11 southern California.

12 (e) The Division of Juvenile Facilities of the Department of
13 Corrections and Rehabilitation, county probation departments,
14 community-based organizations, and relevant service providers
15 may apply for the grants authorized by this section.

16 (f) Funds appropriated for purposes of this section shall be
17 limited to federal funds.

18 (g) Tattoo removals shall be performed by licensed clinicians
19 who, to the extent feasible, provide their services at a discounted
20 rate, or free of charge.

21 (h) Grantees shall serve individuals who have gang-related
22 tattoos or tattoos received for identification in trafficking and
23 prostitution that are visible in a professional environment and who
24 are recommended for the program by Department of Corrections
25 and Rehabilitation representatives, parole agents, county probation
26 officers, community-based organizations, or service providers.

27 (i) Individuals who have gang-related tattoos or tattoos received
28 for identification in trafficking and prostitution that may be
29 considered unprofessional and are visible in a professional work
30 environment, who meet the criteria of subdivision (c), and who
31 meet any of the following criteria may be eligible for participation
32 in the program:

33 (1) Are actively pursuing secondary or postsecondary education.

34 (2) Are seeking employment or participating in workforce
35 training programs.

36 (3) Are scheduled for an upcoming job interview or job
37 placement.

38 (4) Are participating in a community or public service activity.

39 (j) Use of funding by grantees shall be limited to the following:

1 (1) The removal of gang-related tattoos or tattoos received for
2 identification in trafficking and prostitution.

3 (2) Maintenance or repair of tattoo removal medical devices.

4 (3) Contracting with licensed private providers to offer the tattoo
5 removal service.

6 (k) Grantees may also seek additional federal or private funding
7 to execute the provisions of this section, and use those funds to
8 supplement funding received through the program.

9 (l) This section shall remain in effect only until January 1, 2017,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2017, deletes or extends that date.

12 *SEC. 3. It is the intent of the Legislature to encourage the*
13 *Board of State and Community Corrections to extend federal*
14 *Edward Byrne Memorial Justice Assistance Grant funding to tattoo*
15 *removal programs under Sections 1915 and 1916 of the Welfare*
16 *and Institutions Code to serve individuals from 14 to 24 years of*
17 *age, inclusive, who were tattooed for identification in trafficking*
18 *or prostitution.*